

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

AMUSEMENT INDUSTRY, INC., a
California corporation dba WESTLAND
INDUSTRIES; PRACTICAL FINANCE CO.,
INC., a California corporation,

Plaintiffs,

v.

MOSES STERN, an individual aka MARK
STERN; JOSHUA SAFRIN, an individual;
FIRST REPUBLIC GROUP REALTY LLC, a
Delaware limited liability company;
EPHRAIM FRENKEL, an individual; LAND
TITLE ASSOCIATES ESCROW, a New York
limited liability company,

Defendants.

07-CV-10717 (LAK)

**AFFIDAVIT OF SERVICE OF
SUMMONS AND COMPLAINT UPON
DEFENDANT JOSHUA SAFRIN**

STATE OF NEW JERSEY)
)ss.:
COUNTY OF UNION)

KELVIN FRIAS, being duly sworn, hereby deposes and says:

1. I am a process server for Guaranteed Subpoena Service, Inc. I am over 18 years of age and not a party to this litigation. Except where otherwise stated, I have personal knowledge of the facts set forth herein.

2. On the morning of Wednesday, December 5, 2007, I attempted to serve a Summons and Complaint in the above-captioned action upon defendant Joshua Safrin ("Safrin") at 50 Riverside Drive, #2A, New York, New York 10024, which previously had

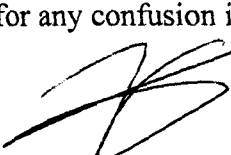
been identified to me as Safrin's home address. A doorman at the premises confirmed that Safrin resided at this address but stated that no one was home in the Safrin residence.

3. Thereafter, at approximately 12:00 PM on December 5, I attempted to serve Safrin at The Safrin Group, 230 Park Avenue, Suite 460, The Helmsley Building New York, New York 10169, which previously had been identified to me as Safrin's actual place of business.

4. Shortly after my arrival, an individual named Joe Kelemer identified himself as Safrin's personal assistant. Mr. Kelemer is a white male between the approximate ages of 36-50 and between 5'4" and 5'8" tall; he had black hair and glasses and appeared to weigh over approximately 200 pounds. Mr. Kelemer confirmed that 230 Park Avenue was Safrin's actual place of business and stated that Safrin was out of the country at the time. Mr. Kelemer then stated that he would accept the Summons and Complaint and that he would see to it that Safrin received the papers. As Mr. Kelemer appeared to be a person of suitable age and discretion, I handed Mr. Kelemer the papers at approximately 12:06 PM and departed.

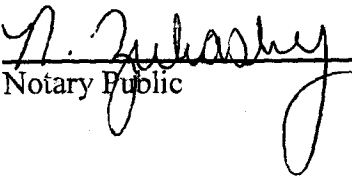
5. Thereafter, on December 14, 2007, I caused copies of the Summons and Complaint herein to be sent via first class mail addressed to Safrin at (i) his actual place of business, The Safrin Group, 230 Park Avenue, Suite 460, The Helmsley Building New York, New York 10169, and (ii) his last known residence, 50 Riverside Drive, #2A, New York, New York 10024. The papers were mailed in a plain, unmarked envelope bearing the label "Personal and Confidential," and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against Safrin.

6. The Return of Service I previously executed on December 5, 2007 incorrectly states that I served the Summons and Complaint upon Mr. Kelemer at Safrin's home at 50 Riverside Drive, #2A, New York, New York. This was an inadvertent oversight on my part – as noted above, I handed the papers to Mr. Kelemer at Safrin's place of business at 230 Park Avenue, New York, New York. I apologize for any confusion in this regard.



KELVI FRIAS
License No:
1232446

Sworn to before me this
14 day of December, 2007.



Notary Public

NICOLE S. ZUKASKY
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Sept. 8, 2011